determine the total capability of the structure and the effect of each attachment. The strength addresses, but is not be limited to:

- allowable vertical weight contribution;
- allowable moment force contribution; and
- other strength considerations as are identified in the analysis.

Not only is the weight of the attachment to be considered, but the effect of ice accumulation on the attachment also must be taken into account. Ice weighs roughly 57 pounds per cubic foot and can have a tremendous effect on the vertical stresses placed on a structure. Ice is a variable dependent on geographic area; there are also pockets of extreme icing conditions in certain parts of the country which only local utilities are aware of.

The moment force contribution is the force of the wind on the part or parts, multiplied by the length of the structure from the point of interest (often, the ground) to the point where the force is applied on the structure Wind is variable from one area of the country to the next. Also, there are areas of extreme winds in certain portions of the country which only local persons are aware of. Also, the moment force on a structure is greater when the attaching part or parts are covered with ice

Another consideration which is site-specific is the effect on structure strength of the manner and methods of making attachments. An example is when bolt holes are placed too

close together on a pole. This weakens the fiber stress capability of the pole and may severely weaken the pole. Thus, although there appears to be "available space" on the pole, this space cannot be used because there may be no remaining structure strength. Under this condition, there is insufficient capacity.

This same condition may exist where an electric utility reserves space on a pole for a future additional circuit. Although there may be space on the pole for other attachments, there may not be the required structural strength remaining after the addition of the second circuit to accommodate additional attachments. To allow a party to attach within that apparent space would then create a situation where it would be impossible for the electric utility to construct the additional circuit without upgrading the structure.

d. Overlashing

There have been some comments that the "overlashing" of a cable onto an existing cable installation should not be considered as a new installation. On the contrary, the installation of an additional cable on an existing supporting strand and cable raises an important engineering issue and must be given the same consideration as a new attachment, unless the previous attachment's design has taken additional attachments into account. The additional area of the overlashed cable results in increased force on the pole due to added tension on the strand, and increased force due to ice accumulation and wind.

3. Reliability

There is no standard benchmark governing the reliability of electric service. Indeed, the term "reliability" can address different issues, such as:

- the number of long-term outages;
- the duration of long-term outages;
- the number of customers affected by outages; and
- the number of momentary interruptions.

Although studies and books have been written about reliability, it is widely recognized that electric utility failure rates vary widely from one area to another based on a number conditions. One of the most significant variables is the weather, specifically, lightning storms. In our opinion, it would be impossible to expect that the Commission would be able to develop a national set of standards on "reliability."

4. Conclusion

There are many complex and fact-dependent safety, engineering and reliability issues relating to pole attachments, and in our opinion there is no a single standard or set of standards that can adequately address these concerns. We believe that any attempt to impose such standards would compromise the integrity of electric transmission and distribution systems and would adversely affect the safety and reliability of electric service.

ATTACHMENT A

* * *

Section 6. Use of the National Electrical Safety Code

Revised February 9, 1996

State	New Edition Automatically Adopted	Specifically Adopted This Edition	Have Used NESC to Develop Own Code	Has Own Code But Does Not Use NESC
Alabama **	Yes			
Alaska †	Yes			
Arizona	No (RM)	1990		
Arkansas **	Yes			
California				Yes
Colorado	No (RM)	1984		
Connecticut *	Yes			
Delaware	Yes			
District of Columbia †	Yes			
Florida	No (RM)	1993		
Georgia	**			
Hawaii	Yes			
Idaho †	Yes			
Illinois	No (RM)	1993		
Indiana	No (RM)	1993		
Iowa	No (RM)	1993		
Kansas	No (RM)	1993		
Kentucky	No (RM)	1993		
Louisiana	**			
Maine	Yes			
Maryland	Yes			
Massachusetts	**			
Michigan †	No (RM)	1990		
Minnesota *	Yes			
Mississippi	Yes	1993 pts2,3 & sec 9		
Missouri	No	1993 w/o pt 4		
Montana	No (RM)	1993		
Nebraska	No (RM)	1993		
Nevada	No (RM)	1981		
New Hampshire	Yes			
New Jersey †	Yes			
New Mexico	Yes			
New York	**			
North Carolina	No (RM)	1993		
North Dakota	No (RM)	1993		
Ohio	No (RM)	1993		
Oklahoma	No (RM)	*1990		
Oregon	No (RM)	1993		
Pennsylvania †	No (RM)	1981		
Rhode Island †	Yes			
South Carolina	Yes			
South Dakota †	**			
Tennessee	Yes			
Texas	Yes			
Utah	Yes			
Vermont	Yes			
Virginia	Yes			
Washington †			Yes (1987)	
West Virginia	Yes			
Wisconsin	No (RM)	1993		
Wyoming	Yes	1993***		

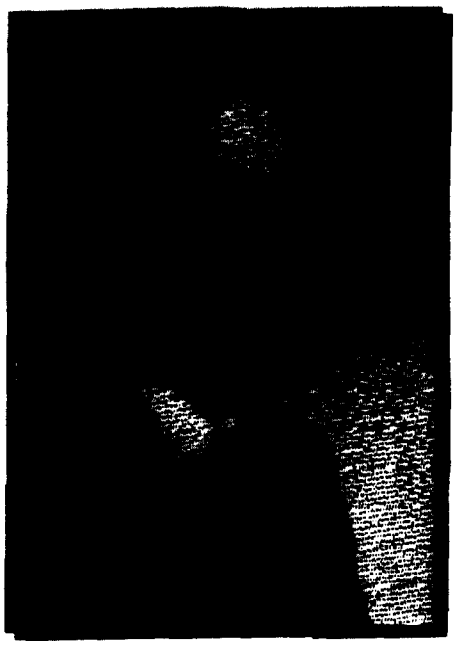
* 1993 currently in adoption process.

** No Commission Rule because all regulated utilities automatically use the latest code. Commission uses latest NESC as minimum when considering such things as transmission line siting.

*** Adopted with a number of changes, additions and deletions.

RM Commission Holds Rulemaking Proceeding to Adopt New Code.

† Did Not Respond to Latest Survey.



Professional Background

John Dagenhart, P.E.

- **Associate,** Clapp Research Associates, P.C., Consulting Engineers
- **Associate Editor,** DANESC UPDATE™ Quarterly Newsletter
- **Authorized Instructor,** OSHA Construction Rules
- **Bachelor of Science** in Electrical Engineering; North Carolina State University
- **Licensed Professional Engineer** in North Carolina and South Carolina

- **Contributor** to McGraw-Hill's *Standard Handbook for Electrical Engineers*, 13th Edition.
- **Contributor** to the IEEE Emerald Book, *Powering and Grounding Sensitive Electronic Equipment.*
- **Member** of NESC Interpretations Subcommittee
- **Past Chairman** of Eastern North Carolina IEEE Power Engineering Society
- **Secretary** of NESC Subcommittee 2 on Grounding Methods
- **Member** of NESC Subcommittee 1 on Purpose, Scope, Application, Definitions and References
- **Researcher,** *NESC Handbook* published by the Institute of Electrical and Electronics Engineers, 2nd and 3rd Editions
- **Member** of Institute of Electrical and Electronics Engineers NESC Lecture Team
- **Alternate representative** to Accredited Standards Committee Z535 on Safety Signs and Colors

Clapp Research Associates, P.C.
Consulting Engineers
6112 Saint Giles Street
Raleigh, NC 27612
(919) 782-7745

Background

March 1989 to date with Clapp Research Associates, P.C. Consulting Engineers: *Associate;* provides engineering and related services to utilities, government agencies, industries and individuals, including accident investigation and reconstruction, review of utility construction standards, product evaluation, testing and design, safety training, equipment failure analysis, electric power quality analysis, and teaching National Electrical Safety Code and OSHA requirements.

Twelve years with Duke Power Company: Initially as a *Junior Engineer* and progressing to *Senior Distribution Engineer;* supervised associates and graduate engineers, responsible for system planning distribution system design and estimation, CATV project coordination, highway project coordination, system mapping, damage claims, work performance, project management, and safety and training. Trained engineers in underground system design. Developed a company-wide team of distribution engineers to address power quality problems for the customers of Duke Power.

Two years in the United States Army Signal Corps: *Television Equipment Repair Specialist* (a military specialty normally reserved for four year enlistments) responsible for the operation and repair of television studio facilities. Produced videotaped training programs for the U.S. Army Air Defense Missile School.

Registrations:

Registered Professional Engineer

- North Carolina
- South Carolina
- National Council of Examiners for Engineering and Surveying Certification

Education:

- Bachelor of Science in Electrical Engineering, With Honors, North Carolina State University, 1976.
- The U.S. Department of Labor's OSHA Construction Regulations Instructor Course.
- Various short courses, including power disturbance analysis, design and installation of computer electrical systems, harmonics analysis, electrical fire investigation, computer programming, electric system operation and design, management techniques, and transmission structure and foundation design.

Professional Society Memberships:

- American Arbitration Association
- Institute of Electrical and Electronics Engineers, Senior Member
- National Fire Protection Association
- Power Engineering Society, Past Chairman, Vice-Chairman, Secretary, Eastern N.C. Section, 1994
- Society of Cable Television Engineers
- National Society of Professional Engineers
- Professional Engineers of North Carolina

Honors and Awards:

- Certificate of Achievement-1973, U.S. Army Signal School.
- Member of Eta Kappa Nu—Electrical Engineering Honor Society

Publications:

- "Reading this article could save you $70,000 ... or more. What contractors should know about OSHA safety–and steep fines." *CEE News*, June 1994.
- DANESC UPDATE™ *Quarterly Newsletter*. Clapp Research, Inc. 1989 to date—Associate Editor and Contributor
- DANESC™ *Reference Book*, 1993—Contributor.
- *McGraw-Hill's Standard Handbook for Electrical Engineers*. McGraw-Hill Book Company. 13th Edition—Contributor: Sec. 5, Wiring Design for Commercial and Industrial Buildings; Sec. 23, Power Quality.
- *Electrical Service Handbook*. Mississippi Power Company. 1990—Contributor.
- *NESC Handbook*. Institute of Electrical and Electronics Engineers, 1991—Researcher, 2nd and 3rd Editions.
- Editorial Committee, *Electrical Code Watch* Magazine, 1991.
- *IEEE Emerald Book*—Contributor.
- *Power System Disturbances Manual*. Duke Power Company, 1987—Co-author and editor.
- "Quality Assurance Newsletter." Duke Power Company. 1986-1989—Editor.
- *MCNC Study for the Microelectronics Center of North Carolina*. Duke Power Company, 1985.

Major Papers and Addresses:

- "NEC And NESC: Two Codes Meeting Different Needs." *Electrical Code Watch*, April 1991—Author.
- "Solving Power Quality Problems at Duke Power Company," *EEI Transmission and Distribution Meeting*, Washington, D.C., 1988
- "New Techniques Developed to Ensure Quality Power.", *Transmission and Distribution Magazine*, May 1987.—Co-author
- "Power Quality Issues," *T&D Expo*, Atlanta Georgia, 1987.—Co-presenter.

Presentations to Professional Groups

- NESC, Eastern N.C. IEEE/PES/IAS February, 1995
- ANSI Sign Standards, Eastern N.C. IEEE/PES/IAS, November, 1994

National Electrical Safety Code and Related Seminars

- IEEE Sponsored One-Day NESC Update Seminars—Denver, CO; Salt Lake City, UT; St. Louis, MO; Phoenix, AZ; Las Vegas, NV; Portland, OR: 1992
- IEEE Sponsored NESC Courses—Houston, TX; San Juan, PR; Seattle, WA

National Electrical Safety Code Related Seminars (continued)

- "Investigating and Defending Utility Contact Accidents," Raleigh, NC, 1991, 1992, 1993, 1994, 1995
- "Investigating and Defending Utility Contact Accidents," Chugach Electric Cooperative, Anchorage, Alaska, Apr 21, 1993
- Electric Power Assn. of Mississippi, Jul 27-29, 1993
- IEEE/Alaska, April 19-23, 1993, Mar 27-29, 1990, Mar 30-31, 1990.
- Virginia Power, May 14, 1993
- New York State Department of Public Service Commission, 1995
- TVPPA, Nashville, TN April 1994
- Mississippi Power Company, Mar 29-31, 1993; Apr 6-8, 1993; May 11-13, 1993
- Federated Rural Electric Seminars, Feb 23-25, 1993; Mar 16-18, 1993
- TVA, Feb 9-11, 1993
- DANESC™ Seminars, Raleigh, N.C. Aug 17-20, 1993; Oct 12-15, 1993.
- Georgia Electrification Council, Sep 29-Oct 1, 1992
- CP&L, Corpus Christi May 11-13, 1992
- Potomac Edison Power, Apr 16-18, 1991; Jun 23-25; 1992; Oct 5-8, 1992
- North Carolina Power, Raleigh, NC, Feb 28, 1991
- Montana Power Company, Mar 19-22, 1991; Apr 1-5, 1991; May 21-24, 1991
- Oklahoma Power and Communications Association, Oklahoma City, Nov 8, 1990
- NC State University Continuing Education Program
- U.S. Army Corps of Engineers
- Gulf Power Company, Fort Walton Beach, Florida
- NC Association of Electrical Cooperatives, Jun 1, 1990
- Santee Cooper, Monck's Corner, South Carolina, Dec 12, 1989
- Southern Bell, Myrtle Beach, South Carolina, Sep 12, 1989

NESC and Other Standards Involvement

Mr. Dagenhart was appointed a member of the NESC Subcommittee 2 on Grounding Methods in 1990 and a member of the NESC Interpretations Subcommittee on Grounding Issues in 1994. He has been closely involved with revisions in grounding as well as other areas of the NESC. In 1991, Mr. Dagenhart served on NESC Working Group 1.4 on HVDC Transmission. Mr. Dagenhart has lectured for IEEE on the NESC throughout the United States as well as in-house for utility associations, utilities, public service commissions, and government agencies. In 1994, Mr. Dagenhart was selected as an alternate representative to the Accredited Standards Committee Z535 on Safety Signs and Colors.

Details of Clapp Research Associates, P.C. Employment of John Dagenhart

John Dagenhart joined Clapp Research Associates, P.C. Consulting Engineers in March 1989 as an *Associate* of the firm. Since joining the firm, John provides the following services for over 100 utility companies, government agencies, industries, and individuals.

- standards development and review
- safety training and consulting
- electrical fire analysis
- product testing, evaluation and design
- equipment lightning damage and protection
- electric power quality analysis
- accident analysis and reconstruction
- expert testimony before courts, commissions and boards on technical issues involving grounding, EMF, OSHA, MSHA, NESC, NEC

John is an authorized OSHA regulations instructor.

Details of Duke Power Company Employment of John Dagenhart

Upon graduation with honors from North Carolina State University in 1976, John Dagenhart was employed by Duke Power Company as a *Junior Engineer* in the Division Operations Department in Hickory, North Carolina. From 1977 until 1978 he supervised eight engineering associates. He was responsible for system planning, project estimation and customer service installations.

In 1978 John was promoted to the position of *Assistant Distribution Engineer* and was transferred to Durham, North Carolina. Holding various positions until 1984, he supervised as many as 15 associates and graduate engineers. He was responsible for system planning, project estimation and customer service installations, CATV project coordination, highway project coordination, U.S. Corps of Engineers project coordination, system mapping, safety and training, damage claims, and budget coordination and monitoring. During this time, he was also responsible for training engineers in underground system design.

In 1985 Dagenhart was promoted to *Distribution Engineer* and transferred to an engineering staff position in the corporate headquarters in Charlotte, North Carolina. His first assignment was a two-month study of high-tech service requirements at the Microelectronic Center for North Carolina in Research Triangle Park, North Carolina. Based on the experience from this project, John developed a company-wide team of distribution engineers to address power quality issues for the customers of Duke Power Company. He has become recognized as an expert in power quality and electric system reliability.

In 1988 John was promoted to the highest Distribution Engineering technical position attainable at Duke Power Company—*Senior Distribution Engineer*. He was involved with formulating a corporate harmonics policy, EMF investigations, customer outage analysis programs, and distribution circuit reliability analysis.

Post Office Box 26666
Richmond, Virginia 23261

ATTACHMENT B

May 31, 1996

Secretary
Federal Communications Commission
1919 M Street, N. W.
Room No. 222
Washington, D. C. 20544

Re: Reply to Comments on FCC Docket No. 96-98, NPRM on Facility Access Obligations

Dear Sir;

We appreciate the opportunity to address comments previously filed on the above docket. A cursory review of these comments indicates to us that many of the responding parties have a fundamental belief that the facilities belonging to electric utilities should be made available to anyone desiring space and that any inconvenience encountered in obtaining this space is an "abuse" by the owner utility. Although Virginia Power replaces poles as it needs, these parties apparently do not wish to be burdened by ownership and would prefer to encroach on space set aside by Virginia Power for its own needs.

These parties also seem to ignore the concepts developed under previous joint use experience such as "reserved space" because they do not wish to be bound by them. To the best of our knowledge, the concept of "reserved space" was created to resolve the very question that is being pondered by the FCC. How do parties needing to share poles delegate space and minimize pole replacement. If co-owners can agree to and abide by "reserved space" agreements why should other parties be excluded. We agree that everyone outside their "reserved space" should play by the same rules.

To us it seems obvious that these parties hope to convince the FCC that ownership of poles and conduits is not at issue. We differ and hope that the FCC can acknowledge the very real existence of the two (2) zones available on all poles - reserved space between co-owners and non-reserved space which is available to everyone. Once acknowledged, this issue can then be resolved fairly and equitably without forcing a hardship on the rate payers of electric utilities.

We feel that any other point of view does a disservice to the FCC because it glosses over, and possibly ignores, the very real problem of an unlawful "taking" of private property or at the very least, the preventing of a property owner from fully utilizing their property. Since we are not lawyers we can not address this issue as others might. We can try, however, to indicate to you our concern about the loss of control over our plant because other parties, not wishing to share in the risks of investing capital or in the legal liabilities of being pole owners or conduit owners, need space.

For example, Virginia Power has allowed reduced spacing from its neutrals because the

telecommunication parties agreed that if in the future we replaced the neutral with a secondary (which requires greater clearance) that they would do any needed make-ready work at that time. This was a true example of joint use in that it avoided unnecessary pole replacements, unnecessary make-ready costs, and protected Virginia Power's future need to add secondary on its poles. We now already have CATV parties initially refusing to do this because of the Telecommunications Act of 1996. This is not fair to Virginia Power's rate payers, is unnecessarily argumentative, and contrary to our earlier agreement. Does the FCC intend to force our rate payers to be accountable for these parties unwillingness to meet their agreements?

In our experience we see companies try to install cable as quickly as possible while not using proper engineering and construction standards or properly trained construction personnel. Our poles are being damaged by a lack of guying, our customers are being affected by power outages due to low cables being snagged by vehicles, and our personnel are subjected to hostile and uncooperative discussions. We do not view this situation as a competitive issue but as a threat to our plant, to our ability to serve our customers, and to our rate payers.

We hope that this issue can be looked at with as fresh an approach as possible without relying on events which happened almost twenty (20) years ago. The rules to be written should be fair to all parties and should be within the scope in which our laws and mores are intended. They should protect the rights of property owners, ensure that the parties needing space pay their fair share of any additional expenses that they cause, and ensure that any non-reserved space is handled equitably.

We do understand the dilemma that the FCC faces, and hope that our comments might provide some insight into a situation where non-owners claim full rights to property owned by others. If the Act had used the phrase "fiber or coaxial cables" in place of "poles or conduits", we believe that the comments received by the FCC would have been dramatically different. To us there is no difference. No party should be prevented from fully using the plant which they purchased and installed.

We have supplied further discussion below to try to respond to specific comments, and are available at any time for further consultations if you desire.

Sincerely,

G. E. Hudson
Director Distribution Engineering & Operations
rfd/
Attachment
cc: Mr. J. T. Earwood, Jr.
Mr. F. A. Schiller
Mr. W. D. Keck

VIRGINIA POWER
DISTRIBUTION ENGINEERING & OPERATIONS DEPARTMENT
REPLY TO COMMENTS ON FCC DOCKET NO. 96-98

Comment: Access must be provided where there is available space. Space is available as measured under the NESC based on current use and pending applications for attachment. The rules should specify that pathway owners may not reserve unused for their own future use.

This comment blurs two (2) important issues:

First, it ignores the current and intended future use of the facility by the party that purchased and installed it. This is simply not fair and, until recently, presumed by us to be unlawful. A property owner, as any other business party, has future needs or anticipated service requirements.

Second, to the best of our knowledge, the NESC provides clearances so that both the public and the parties occupying the facility are not endangered by construction or maintenance practices. This does not allocate space for new or future parties. In our opinion, this type of statement does not reflect the true intent of the NESC, and the FCC should be cautious in using this logic. We suggest that a disinterested NESC consultant be used by the FCC to determine whether or not a safety issue exists. The NESC and NEC are concerned with safety and thus the language used should not be misconstrued or mis-used otherwise.

Comment: All poles and conduits are deemed suitable and available for attachment or use.

Virginia Power has many locations where the electric facilities on the pole are so critical or customer sensitive that we do refuse to replace the pole to allow future attachments. These situations are usually double or triple circuits on a single pole or involve customers where electric service is critical. Although we feel that such a situation is obvious, we are concerned about the comment that we have the "burden" of proving that access is not suitable.

Aside from the issue of ownership, any negative ramifications from loss of service will be felt by Virginia Power and those customers affected. Any "burden" should be placed where it belongs, on those parties coming along years later and needing space on or in electric facilities which were not designed to accommodate them.

If lack of rights-of-way or local conditions dictate severe construction costs, then unless the new party can verify that these services are critical to the customer or area, the greater good is for them to find an alternate route. Utilities do this during their route selection process and the resulting compromise is generally accepted by all of the parties involved as a "win-win" solution. This protects the rate payers from excessive construction costs and protects those in the local community who oppose the line construction.

VIRGINIA POWER
DISTRIBUTION ENGINEERING & OPERATIONS DEPARTMENT
REPLY TO COMMENTS ON FCC DOCKET NO. 96-98

Comment: There is no technological impediment to joint use of electric conduits or in using inner duct in electric conduits.

This comment does not provide the FCC with all of the facts. The issue of who determines whether or not an electric utility facility should be used for telecommunications has been stated above, but other concerns also should be discussed. Our cable failures can result in catastrophic damage to the conduit housing the cable, an adjacent conduit, and in the terminating equipment. Will the telecommunications party via the FCC force a utility to share that conduit or an adjacent conduit and then hold that utility liable if its cable is damaged and must be abandoned?

In addition, our experience in reviewing the possible joint use of conduits has not proven to be beneficial to the telecommunications party due to (1) the termination of our conduits into electric facilities housing exposed electric conductors, and (2) to the remote location of our facilities in those buildings (usually in the rear where truck access is possible). Although our conduits did run to the buildings in question, the telecommunications company felt that our facilities were not a viable second or third choice for access.

Comment: Any demand stricter than the NESC should be presumed unreasonable.

This statement is both puzzling and disturbing. Anyone working with the NESC knows that it is a safety standard written for the entire nation, and therefore reflects minimum requirements. The NESC relies on the parties it regulates to utilize it as intended. The first four (4) rules (Rules 10, 11, 12 and 13), the collection of NESC Interpretations, as well as the NESC Handbook are clear in that utilities and other pertinent parties are to meet the safety requirements mandated by the needs of the local conditions or land use.

One simple example can easily illustrate this concept: Farm equipment used in the Mid-West far exceed the heights of similar equipment used in the Southeast. The NESC does not impose higher clearances on those utilities in the Southeast because it would be unfair. It does expect and implicitly require that the utilities in the Mid-West construct lines so that the expected land use can be done safely. Is the comment suggesting that the utilities in the Mid-West should not require higher clearances?

In addition, since pole line construction and the sagging of conductors is not an exact science, building to the bare minimums of the NESC is not advocated by anyone seriously involved in installing plant intended to last decades. The fallacy of this concept is apparent on I-95 where VDOT can not pave under highway bridges because it would reduce the needed clearances for trucks. Instead they pave the road up to the bridge but not under it. Obviously hindsight shows that building to minimum requirements should not be done indiscriminately.

In some cases Virginia Power requires its construction and engineering personnel to design or install facilities that exceed the NESC requirements. For example, Virginia Power requires a minimum separation on the pole of 56 inches between the neutral and the lowest conductor so that an aerial bucket can be safely maneuvered between them. This is necessary because we have found that many times land obstacles or development prevented our bucket trucks from parking on the side of the pole that the equipment to be serviced was located.

The NESC minimum clearance required for these conductors is sixteen (16) inches. Will the FCC allow a telecommunications party to force Virginia Power to discontinue a construction practice that it has used for almost twenty (20) years? We do allow our 56 inch spacing to be reduced to 40 inches to prevent a pole replacement, however this leads to the very concept of "reserved space" that these parties ignore or treat in a sarcastic manner. Reserved space allows pole owners to be flexible in meeting their needs without forcing their rate payers to bear unnecessary costs.

We believe that the construction and maintenance practices that the owner of the facilities asks of itself should be accepted by non-owners using those facilities without question. These practices were developed over decades and are the results both successful and unsuccessful attempts in meeting varied local conditions. Although both parties have a stake in maintaining the plant supporting the cables, only the owners have invested substantial capital in these facilities.

Comment: The FCC should limit the ability of pathway owners to impose fees for surveys and engineering reviews of proposed facility installations.

Perhaps because this party does not invest large sums of capital in poles they do not realize the importance of ensuring that structures are not overloaded or lack proper guying. Virginia Power believes that most of the telecommunications parties supplying this comment do not apply this lack of engineering concern to the electronic equipment that they invest in. Virginia Power has invested many resources in creating engineering and construction practices concerning the installation of poles, conduits, and cables. Virginia Power believes the lack of interest and concern by these parties is not intentional, but merely due to their lack of investment and their lack of knowledge of the subject.

Comment: The utilities should bear the burden of proof.

Virginia Power understands the frustration behind the numerous comments concerning who should prove what, but cautions the FCC in allowing parties desiring space on facilities, which were never intended to accommodate numerous attachments, to dictate policy.

Virginia Power has manuals, corporate procedures, and joint use contracts which were developed

over many years. Although we do not anticipate having any difficulty in documenting any decision made, we do not feel that our rate payers should pay for the administrative and engineering costs if this "burden" becomes time-consuming. The party challenging the decision should bear this cost just as we do when we obtain rights-of-way or discuss our construction plans with local governmental bodies or communities.

Comment: Congress sought to minimize the ability of utilities to deny pole access.

Virginia Power does not believe that Congress intended to deny Virginia Power control over its facilities, its construction practices, and its ability to serve its customers in a responsible and safe manner. We do not believe that Congress intended to tell the FCC to ignore our rights to our "reserved space" or our responsibility to our public and our rate payers to ensure that attachments to our facilities are done in a safe and fiscally responsible manner.